

GVM

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 JUL 30 AM 10:56

UNITED STATES OF AMERICA,

Plaintiff,

v.

Pascual TOMAS-Jose,

Defendant

Magistrate Docket No.

'08 MJ 2333

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United StatesCLERK, U.S. DISTRICT COURT,
SOUTHERN DISTRICT OF CALIFORNIAJTB
DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **July 29, 2008** within the Southern District of California, defendant, **Pascual TOMAS-Jose**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

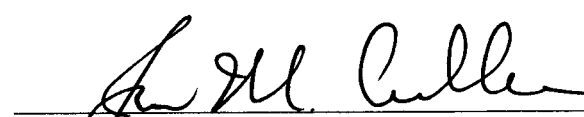
And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

James Trombley

Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **30th** DAY OF **JULY, 2008**


Jan M. Adler

UNITED STATES MAGISTRATE JUDGE

GVM

PROBABLE CAUSE STATEMENT

On July 29, 2008, at approximately 4:00 a.m., Border Patrol Agent P. Molina was conducting line watch duties near Potrero, California. At approximately 5:20 a.m., Border Patrol Agent M. McCoy, who was operating an infrared scope transmitted an observation via service radio, of a group 36 individuals in an area approximately four miles east of the Tecate, California Port of Entry and approximately half a mile north of the United States / Mexico International Border.

Agent Molina responded to the area and with the assistance of Agent McCoy, found the group attempting to hide in brush. Agent Molina identified himself as a United States Border Patrol Agent. A few minutes later, Agent M. Livingston arrived in the area to assist Agent McCoy. Agent Molina then conducted an immigration inspection. All 36 individuals, including one later identified as the defendant **Pascual TOMAS-Jose**, admitted to being citizens and nationals of Mexico without any immigration documents that would allow them to enter into or remain in the United States legally. At approximately 5:30 a.m., all 36 individuals were arrested and transported to the Tecate Processing Center in Tecate, California.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on February 25, 2008 through San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.